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TO:

Name: Examiner U. Ho

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 09/626,636
Gary Karlin Michelson, M.D.

Filed: July 27, 2000

A GUARD FOR USE IN PERFORMING
HUMAN INTERBODY SPINAL SURGERY
(as amended)

Attorney Docket No. 102.0003-04000

Customer No. 22882

Confirmation No. 6124

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 2

Date: June 1, 2004

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I hereby certify that the attached Statement of Substance of Interview is being facsimile transmitted to the U.S. Patent and Trademark Office on June 1, 2004.


Sandra L. Blackmon

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PATENT
Attorney Docket No. 102.0003-04000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 6124
Gary Karlin Michelson, M.D.)
Serial No.: 09/626,636) Group Art Unit:: 3731
Filed: July 27, 2000) Examiner: U. Ho
For: A GUARD FOR USE IN)
PERFORMING HUMAN INTERBODY)
SPINAL SURGERY (as amended))

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

STATEMENT OF SUBSTANCE OF INTERVIEW

A personal interview between the undersigned and Examiner (Jackie) Tan-Uyen T. Ho was conducted on April 29, 2004. Independent claims 172, 207, 248 and 289 were discussed. U.S. Patent No. 5,049,150 to Cozad and U.S. Patent No. 5,055,104 to Ray were generally discussed with more attention given to Cozad '150 as presented in the Office Action dated December 17, 2003 and arguments presented in the Amendment dated March 26, 2004. Agreement was reached that the newly presented limitation and claims as amended in the March 26th Amendment overcome the cited art; Examiner Ho will proceed with a further restriction and consideration/search with respect the above-identified application.

It is requested that this document be made of record in the above-identified application.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: June 1, 2004

By: Thomas H. Martin

Thomas H. Martin

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